

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00137

JOSEPH CLEVELAND FERRELL

MOTION OF THE UNITED STATES
TO DISMISS FORFEITURE ALLEGATIONS

Comes now the United States of America, by Hunter P. Smith Jr., Assistant United States Attorney for the Southern District of West Virginia, and moves this Court to order that certain forfeiture allegations contained in the indictment in this case be dismissed.

On October 7, 2010, defendant pled guilty pursuant to a written plea agreement in which he agreed to the forfeiture of the sum of \$527,540, which sum was "property constituting and derived from proceeds obtained directly or indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962. As stated in the plea agreement, these funds were subject to forfeiture pursuant to 18 U.S.C. § 1963(a)(3).

This forfeiture was pursuant to the forfeiture allegation in paragraph 2.iii of the first forfeiture allegation in the third superseding indictment in this case.

The United States now moves the Court to dismiss all of the remaining forfeiture allegations in the third superseding indictment, as well as the Notice of Intent to Forfeit Substitute Assets.

The United States is authorized to represent to the Court that defendant does not oppose this motion.

Respectfully submitted,

R. BOOTH GOODWIN II
United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Motion of the United States to Dismiss Forfeiture Allegations" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this the 8th day of October 2010, to:

Benjamin L. Bailey, Esquire
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